



# Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Thirty-one Meeting Day

Thursday Afternoon

March 9, 2006

The Senate convened at 1:44 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 352: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 52

Senate Concurrent Resolution 52, introduced by Senator Waltz:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to study issues pertaining to foreign language learning opportunities for Indiana students.

Whereas, The Committee for Economic Development's February 9, 2006 report **Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security** warns, "The United States will become less competitive in the global economy because of a shortage of strong foreign language and international studies programs at the elementary, high school, and college levels;"

Whereas, **A Call to Action for National Foreign Language Capabilities**, a report of the National Language Conference, convened by the Office of the Secretary of Defense in partnership with other federal agencies (Spring 2004) confirms that:

- The experience of many other countries supports the need for second language instruction to begin well below high school and continue throughout the educational pipeline;
- Foreign language learning experiences must be available and encouraged for all students; and
- Sufficient instructional time must be provided for language learners to acquire meaningful levels of language competence;

Whereas, A U.S. Senate Resolution designating 2005 the "Year of Foreign Language Study," co-sponsored by Indiana's Senator Richard Lugar, asserts "That it is the sense of the Senate that foreign language study makes important contributions to a student's cognitive development, our national economy, and our national security;"

Whereas, A recent study in Louisiana found that elementary students who received daily instruction in a foreign language outperformed other students on the state basic skills test, regardless of race, gender, or academic level;

Whereas, At the January 5, 2006 U.S. University Presidents Summit on International Education, President George W. Bush announced the National Security Language Initiative which will:

- "Increase the number of Americans mastering critical need languages and start at a younger age;
- Increase the number of advanced-level speakers of foreign languages, with an emphasis on critical need languages; and
- Increase the number of teachers of critical need languages and resources for them;"

Whereas, As early as 1992 the Indiana International Issues Task Force, recommended in its report **Indiana in a Changing World: A Strategy for Action** "foreign language study should begin in elementary school for all children;"

Whereas, According to the Center for Applied Linguistics, 24% of U.S. public elementary schools report teaching foreign languages, yet, according to the Indiana Department of Education, fewer than 5% of Indiana's elementary students currently study a foreign

language, less than 15% study foreign language at the middle level, and 44% at the high school;

*Whereas, Under Secretary of Defense, David S. Chu recently declared that "Improving the Nation's foreign language capability requires immediate and long-term engagement. Every sector of our society has a role to play;"*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes that the economic well-being of Hoosiers demands the global perspective provided through the study of foreign languages and cultures.

SECTION 2. That the issues to be studied by the committee, if established, include, but are not limited to the following:

1. The development of a strategy for introducing foreign language instruction in the early grades that continues throughout Indiana's educational pipeline;
2. The development of policy recommendations for consideration by the General Assembly; and
3. Any other issues pertaining to the study of foreign languages as determined necessary by the committee.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

#### **Senate Resolution 34**

Senate Resolution 34, introduced by Senator Landske:

A SENATE RESOLUTION to urge the Legislative Council to establish an interim study committee to study issues pertaining to the safety of nursing home residents.

*Whereas, All Indiana nursing home residents should be protected by sufficient fire protection systems;*

*Whereas, It is not known to what extent Indiana nursing home residents are currently protected by smoke detection systems;*

*Whereas, There are currently no state licensing requirements for persons who install fire protection systems;*

*Whereas, These fire protection systems should be installed by licensed contractors and installers to ensure that the systems work properly and protect the residents as intended; and*

*Whereas, An interim study committee could determine the safety of Indiana nursing home residents and recommend changes that need to be made in nursing home environments to make them safe for the residents: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate recognizes the importance of ensuring the safety of Indiana nursing home residents.

SECTION 2. That the committee, if established should:

- a. Study which Indiana health facilities currently have smoke detectors in resident rooms and the types of smoke detectors the facilities are using;
- b. Evaluate smoke detection systems currently available and determine which types of systems provide the greatest safety for nursing home residents;
- c. Evaluate the fiscal impact of requiring all Indiana health facilities to install recommended smoke detection systems in each resident room;
- d. Review and make recommendations regarding the statewide licensing of fire sprinkler contractors and installers; and
- e. Consider any other issues pertaining to the safety of residents of Indiana nursing homes and health facilities.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

#### **Senate Resolution 35**

Senate Resolution 35, introduced by Senator Landske:

A SENATE RESOLUTION urging the Northwest Indiana Regional Development Authority to begin spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

*Whereas, The Northwest Indiana Regional Development Authority is charged with accomplishing a variety of projects, including investigating the extension of South Shore passenger rail service to Lowell and Valparaiso, integrating existing bus services, helping to bring the Marquette Plan for the lakeshore to completion, and helping the Gary/Chicago International Airport become a reality;*

*Whereas, The overall charge given to the authority is to boost the region's economic development;*

*Whereas, The Northwest Indiana Regional Development Authority is also charged with developing a strategic plan that will include many of these projects;*

*Whereas, If the Northwest Indiana Regional Development Authority waits to distribute the money earmarked for the region until the strategic plan has been approved, it will miss a valuable opportunity to jump-start the economic development of an area whose economy is in need of stimulation;*

*Whereas, Local money is also needed to compete for federal funds from agencies like the Federal Aviation Administration, the U.S.*

March 9, 2006

Senate 767

*Environmental Protection Agency, the Federal Transit Administration, and the U.S. Army Corps of Engineers;*

*Whereas, Competition for federal funds is fierce, and Northwest Indiana is at its most critical juncture in 100 years; and*

*Whereas, In the world of business, plans must be adapted quickly to meet the needs of a changing market: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate urges the Northwest Indiana Regional Development Authority to proceed spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Governor Daniels and the Northwest Indiana Regional Development Authority.

The resolution was read in full and referred to the Committee on Appropriations.

#### **Senate Resolution 36**

Senate Resolution 36, introduced by Senator Harrison:

A SENATE RESOLUTION urging the Legislative Council to direct the Pension Management Oversight Commission to consider amending IC 36-8-8-7(h) to provide for a transfer of the employee's contribution account and service credit in the 1977 fund to the public employee's retirement fund if the employee does not earn a benefit in the 1977 fund for the time of their appointment pursuant to the waiver which is provided in existing law.

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to direct the Pension Management Oversight Commission to consider an amendment to IC 36-8-8-7(h).

SECTION 2. That the Pension Management Oversight Commission, if directed to take such action, shall operate under the direction of the Legislative Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

### **REPORTS FROM COMMITTEES**

#### **COMMITTEE REPORT**

Madam President: The Senate Health and Provider Services Committee, to which was referred Senate Concurrent Resolution 9,

has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

#### **COMMITTEE REPORT**

Madam President: The Senate Health and Provider Services Committee, to which was referred Senate Concurrent Resolution 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

#### **COMMITTEE REPORT**

Madam President: The Senate Judiciary Committee, to which was referred Senate Resolution 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

### **PRESIDENT PRO TEMPORE'S REPORT**

#### **OF**

#### **CONFEREE CHANGES**

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1018:

Lewis to replace R. Young as conferee

GARTON

Date: 3/8/2006

Time: 4:47 p.m.

### **REPORT OF THE PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 355:

Conferees: Lawson, Chair and Rogers

GARTON

Date: 3/8/2006

Time: 4:48 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT  
OF  
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1329:

Conferees: Miller and Sipes

GARTON  
Date: 3/9/2006  
Time: 11:02 a.m.

Report adopted.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 354.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 342.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 310.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 264.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 206.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 160.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 147.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 114.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 111.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 102.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 71.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 57.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 55.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 40.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 35.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE  
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 11.

ROBERT D. GARTON  
President Pro Tempore

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has added Representative V. Smith as an advisor to confer on Engrossed House Bill 1240.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pierce as a conferee on Engrossed House Bill 1110 and now appoints Representative C. Brown thereon.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has added Representative Bardon as an advisor to confer on Engrossed House Bill 1016.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1080:

Conferees:

Stutzman and E. Harris

Advisors:

Walorski and Turner

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1329:

Conferees:

T. Harris and Mays

Advisors:

T. Brown and Crawford

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 47:

Conferees:

McClain and Kuzman

Advisors:

Thomas and Bottorff

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 54:

Conferees:

Woodruff and Bischoff

Advisor:

Koch

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 148:

Conferees:

Heim and Oxley

## Advisors:

Walorski, Thompson, and Welch

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 168:

## Conferees:

Thomas and C. Brown

## Advisors:

Foley and Welch

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 359:

## Conferees:

Messer and Mahern

## Advisor:

Davis

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 355:

## Conferees:

Ayres and Kuzman

## Advisors:

Leonard, Cherry, and Avery

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1011, 1013, 1024, 1089, 1101, 1108, 1136, 1138, 1150, 1212, 1239, 1257, 1261, 1280, 1281, 1285, 1306, and 1307 and are eligible for enrollment.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bills 1123, 1158, and 1176 and has now

concurred in those amendments.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 54, 55, 56, and 57 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## RESOLUTIONS ON SECOND READING

## Senate Concurrent Resolution 39

Senator Lewis called up Senate Concurrent Resolution 39 for second reading. The resolution was read a second time by title and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Goodin.

## RESOLUTIONS ON FIRST READING

## Senate Concurrent Resolution 60

Senate Concurrent Resolution 60, introduced by Senator Becker:

A CONCURRENT RESOLUTION congratulating the Castle High School girls basketball team on winning the Class 4A State Championship Title.

*Whereas, The IHSAA 31<sup>st</sup> Annual Girls Basketball State Finals were held on March 4, 2006 at Conseco Fieldhouse in Indianapolis;*

*Whereas, In regional and semi-state competition, the Castle Knights defeated Jeffersonville, Bloomington North, and Hamilton Southeastern to earn the opportunity to compete in the State Finals;*

*Whereas, In both teams' first appearance in the state finals, the Castle Knights and the South Bend Washington Panthers competed at a record-setting level;*

*Whereas, Castle Knight Jasmine Ussery set a state record for rebounds in a championship game with sixteen. The Knights and Panthers combined to set a record in the first quarter with most total points scored in a quarter with forty-one, a record that they eclipsed in the third quarter, scoring a combined forty-three points;*

*Whereas, In addition, the championship game performance set several Class 4A records, including most points scored by Castle (83), most free throws made by Castle (31), most combined points in a game (155), and most combined points in a half (79). At the end of the night, a total of eighteen team and individual records were broken and five others were tied;*

*Whereas, The unranked Castle Knights upset the top-ranked South Bend Washington Panthers 83-72 to capture the school's first Girls State Basketball Title. The Knights, led by coach Wayne Allen,*

*finished the season on a 15-game winning streak to earn a 25-3 season record. Four of the Knights finished the game with double-figure scores; and*

*Whereas, In addition to winning the 4A State Title, the Castle Knights celebrated an honor for one of its players. Senior forward Lynn McKinney was named the 2005-2006 Girls Basketball Class 4A recipient of the Patricia L. Roy Mental Attitude Award. Indiana Farm Bureau Insurance, the IHSAA corporate partner, presented a \$1,000 scholarship to Castle High School in the name of Lynn McKinney for this honor: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Castle High School girls basketball team on winning the 2006 Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Castle Principal, Philip DeLong; Coach, Wayne Allen; and to each member of the State Champion Knights basketball team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Crouch and Hoy.

#### **Senate Resolution 40**

Senate Resolution 40, introduced by Senators Merritt and Lawson:

A SENATE RESOLUTION to honor the Senate Republican Interns for their service during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

*Whereas, During this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly, the Senate Republican Interns have provided the Senators of the Republican Party, individually and collectively, with outstanding support and assistance;*

*Whereas, Those serving so ably during this session included: Brad Baughn, Matt Doerr, Lindsey Gates, Shelley Hallberg, Suzanne Heitman, Patrick Higgins, Chris Jensen, Matt Kovack, Jessica Kruse, Erin Mays, Amy Miller, Caroline Mosey, Ali Murtaugh, David Muta, Jennifer Myers, Jansen Perdue, Greg Porter, Zach Raibley, Danielle Roessing, Sam Snideman, Carissa Snyder, Michael Sorg, Anne Swords, Andrea Warren, and Abigail Wood;*

*Whereas, The Senate Republican Interns represent eleven universities throughout Indiana: Ball State University, Butler University, DePauw University, Franklin College, Indiana State University, Indiana University, Indiana Wesleyan University, IUPUI, Purdue University, the University of Indianapolis, and the University of Southern Indiana; and*

*Whereas, The Interns' support and assistance have contributed to the Senate being more efficient and responsive to the People of this great State: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its full appreciation and sincere commendation to the Senate Republican Interns who have loyally and capably served this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each Republican Intern who served the Senate during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

The resolution was read in full and adopted by voice vote.

#### **Senate Resolution 37**

Senate Resolution 37, introduced by Senators Merritt and Lawson:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Verizon for its role in promoting the legislative internship programs.

*Whereas, Verizon has demonstrated a worthy commitment to the educational, political, and public service opportunities afforded to the participants in both the Senate Republican and Senate Democratic Legislative Internship Programs;*

*Whereas, Each of the participants in the Indiana Senate Legislative Internship Programs is a superb individual devoted to developing a better understanding of Indiana's legislative process; and*

*Whereas, Verizon's willingness to provide scholarships to outstanding legislative interns from both of the Indiana Senate's caucuses enables legislators and staff alike to recognize and reward exemplary job performance among interns: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its appreciation to Verizon for its role in helping promote the legislative internship programs of the General Assembly.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this Resolution to Neil Krevda, State Director of Legislative Affairs, and Gale Given, Verizon Great Lakes Region President.

The resolution was read in full and adopted by voice vote.

#### **Senate Resolution 38**

Senate Resolution 38, introduced by Senators Lewis, Bowser, Breaux, Broden, Craycraft, Howard, Hume, Lanane, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, Tallian, and R. Young:

A SENATE RESOLUTION to recognize and honor the Senate Democrat Interns for their service during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

*Whereas, The following have served as legislative interns for the Democratic Caucus of the State Senate during the First Regular Session of the One Hundred Fourteenth Indiana General Assembly: Patrick Jessee; Lindsay Russ; Andrew Michaud; Amy Jacobson; Drew Black; Nikki Davis; Andrew Jendraskzak; Amanda Jenkins; Amber Michel; Adam Jones; Steven Paul; Jessica Saxton; and Erin Thomas;*

*Whereas, The conscientious and diligent efforts of the Interns has enhanced the efficiency and effectiveness of the State Senate this legislative session;*

*Whereas, The Interns' hearty support and able assistance have enabled the Senators of the Democratic Party to better represent and serve their constituents in a prompt and courteous manner;*

*Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly; and*

*Whereas, The members of the Indiana State Senate Democratic Caucus wish to express their gratitude to those individuals who have participated in the internship program: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deep appreciation to the Senate Democratic Caucus Interns, who have served with diligence and dedication during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to each of the Democratic Caucus Interns.

The resolution was read in full and adopted by voice vote.

#### SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 339, filed March 7, 2006, be withdrawn from further consideration by the Senate.

MERRITT

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### Senate Resolution 41

Senate Resolution 41, introduced by Senator Riegsecker:

A RESOLUTION encouraging medical schools to require medical students interested in pediatrics and family medicine to complete a rotation in a clinic with a history of diagnosing and treating people with autism spectrum disorder.

*Whereas, As future physicians, medical students must be fully aware of the relationship between a patient's medical problems and autism spectrum disorder;*

*Whereas, An understanding of the relationship between medical problems and autism and other pervasive developmental disorders is particularly important for medical students in the areas of pediatric and family medicine; and*

*Whereas, Medical students who complete a rotation in a clinic with a history of diagnosing and treating autism and other pervasive developmental disorders can broaden their clinical approach and learn to make the best possible decisions under all conditions: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly and the Indiana Commission on Autism encourage medical students, specifically those with an interest in pediatrics and family medicine, to complete additional studies and a rotation with an emphasis on autism and other pervasive developmental disorders.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

#### House Concurrent Resolution 53

House Concurrent Resolution 53, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring Senator Richard Lugar in his efforts to safeguard the American people from the threat posed by weapons of mass destruction throughout the world.

*Whereas, The collapse of the Soviet Union brought a unique problem to the citizens of the world;*

*Whereas, This was the first time that a nuclear nation had suddenly broken apart, and nuclear, chemical, and biological weapons command and control programs collapsed;*

*Whereas, The United States faced the grim possibility that weapons previously held in secure Soviet facilities and technology previously restricted to the Soviet military could be stolen or sold to the highest bidder;*

*Whereas, Senator Lugar and Senator Nunn worked diligently to develop a plan that would safeguard the welfare of the citizens of the former Soviet Union and the rest of the world and reduce the threat posed by the proliferation of weapons of mass destruction;*

*Whereas, The Nunn-Lugar Cooperative Threat Reduction Program uses money from the United States defense budget every year and allocates it to help the states of the former Soviet Union eliminate and safeguard nuclear weapons and other weapons of mass destruction;*

*Whereas, The Nunn-Lugar Cooperative Threat Reduction Program is not foreign aid and more than 80% of the funds are awarded through contracts to American companies.*



*Whereas, The goal of the Nunn-Lugar Cooperative Threat Reduction Program is to lessen the threat posed by weapons of mass destruction, to deactivate and destroy these weapons, and to assist former weapons experts to find long-term, peaceful employment;*

*Whereas, In 1997, Senators Lugar and Nunn were joined by Senator Pete Domenici in introducing the Defense Against Weapons of Mass Destruction Act;*

*Whereas, This act expanded Nunn-Lugar Cooperative Threat Reduction Program authorities in the former Soviet Union and provided defense against weapons of mass destruction expertise and equipment to first responders in 120 American cities;*

*Whereas, The city of Indianapolis and Marion County received first-responder training and equipment under the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Program in 1998, and Fort Wayne and Allen County received training and equipment in 2000.*

*Whereas, In 2003, Congress adopted the Nunn-Lugar Expansion Act authorizing the Nunn-Lugar Program to operate outside the former Soviet Union to address proliferation threats; and in October 2004, Nunn-Lugar Program funds were used for the first time outside of the former Soviet Union to destroy 16 tons of chemical weapons in Albania;*

*Whereas, Since its inception in 1991, the Nunn-Lugar Cooperative Threat Reduction Program has helped to deactivate 6,760 nuclear warheads; destroyed 590 missile silos, 32 mobile missile launchers, 150 strategic bombers, 789 air-to-surface nuclear missiles, 549 submarine launched missiles, 436 submarine missile launchers, and 28 strategic missile submarines; and sealed 194 nuclear test tunnels;*

*Whereas, The countries of Ukraine, Belarus, and Kazakhstan emerged from the Soviet Union as the third, fourth, and eighth largest nuclear powers in the world, and today they are free of nuclear weapons because of the Nunn-Lugar Cooperative Threat Reduction Program.*

*Whereas, Still striving to reduce the threat posed by the proliferation of weapons of mass destruction throughout the world, Senator Richard Lugar has offered legislation with Senator Barack Obama;*

*Whereas, Senator Lugar invited his Democratic colleague to join his annual trip to inspect weapons storage and elimination sites in Russia, Ukraine, and Azerbaijan;*

*Whereas, Senator Obama joined Senator Lugar in proclaiming the need for urgency to prevent stockpiles of nuclear, biological, and conventional weapons from falling into the hands of terrorists;*

*Whereas, During their trip to the former Soviet Union, Senators Lugar and Obama witnessed first hand the progress the Nunn-Lugar Cooperative Threat Reduction Program is making in improving the safety and security of nuclear warheads, the consolidation and*

*security improvements at biological pathogens storage facilities, and the elimination of mobile intercontinental ballistic missile launchers;*

*Whereas, Senators Lugar and Obama recently introduced legislation aimed at eliminating stockpiles of conventional weapons such as shoulder-fired missiles that terrorists have used to attack commercial aircraft, fuel civil wars in Africa and elsewhere and ammunition to attack peacekeepers and aid workers seeking to stabilize and rebuild war-torn societies;*

*Whereas, The Lugar-Obama legislation also seeks to strengthen the ability of America's friends and allies to detect and interdict illegal shipments of weapons of mass destruction or material that could be used in nuclear, chemical, or biological weapons and to build a robust international network for stopping the proliferation of these weapons; and*

*Whereas, The efforts of Senator Richard Lugar to eliminate stockpiles of weapons of mass destruction and conventional weapons transcends politics; Senator Lugar, Senator Nunn, Senator Domenici, and Senator Obama work to resolve the real problems facing our nation and the world in a bipartisan effort to make all people safer from the terrorist threat. Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the efforts of Senator Richard Lugar in making the world a safer place and promoting cooperative solutions to the world's problems.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Senator Lugar, Senator Nunn, Senator Domenici, and Senator Obama.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

## **MOTIONS TO CONCUR IN HOUSE AMENDMENTS**

### **SENATE MOTION**

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 100.

JACKMAN

Roll Call 353: yeas 39, nays 9. Motion prevailed.

### **SENATE MOTION**

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 353.

WEATHERWAX

Roll Call 354: yeas 48, nays 0. Motion prevailed.

### **SENATE MOTION**

Madam President: I move that the Senate do concur with the House

amendments to Engrossed Senate Bill 369.

R. YOUNG

Roll Call 355: yeas 48, nays 0. Motion prevailed.

## MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

### SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 339 and that a conference committee be appointed to confer with a like committee of the House.

MERRITT

Motion prevailed.

## JOINT RULE 20 COMMITTEE REPORTS

### COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 379 because it conflicts with Senate Enrolled Act 234-2006 without properly recognizing the existence of SEA 234-2006, has had ESB 379 under consideration and begs leave to report back to the Senate with the recommendation that ESB 379 be corrected as follows:

Page 8, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 8. IC 4-22-2-28.1, AS AMENDED BY SEA 234-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter **or by IC 13-14-9-3** is published by an agency ~~after June 30, 2005~~ **or by any of the boards (as defined in IC 13-11-2-18).**

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" means any person, firm, corporation, limited liability company, partnership, or association that:

(1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;

(2) is independently owned and operated;

(3) employs not more than one hundred (100) full-time employees; and

(4) has gross annual receipts of not more than five million

dollars (\$5,000,000).

(e) For each ~~(1)~~ rulemaking action and ~~(2)~~ rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

**(1) in the case of a proposed rule, the agency's notice of intent to adopt the rule published under section 23 of this chapter; or (2) in the case of a rule proposed by the department of environmental management or any of the boards (as defined in IC 13-11-2-18), the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;**

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule. Subject to subsection (f), in the case of a rule finally adopted, ~~by the agency, the final rule, as published in the Indiana Register, and the Indiana Administrative Code,~~ must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or any of the boards (as defined in IC 13-11-2-18) under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 **or in the findings published under IC 13-14-9-8(b)(1), whichever applies,** and in the publication of the final rule in the Indiana Register: ~~and the Indiana Administrative Code:~~

(1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;

(2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;

(3) if applicable, a statement of:

(A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and

(B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3); and

(4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

(g) If the notice provided under IC 13-14-9-3 is not published as allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as

allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

- (1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.
- (2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.
- (3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.
- (4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3; and
- (2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

- (1) not later than ten (10) days after the date on which the rule is **file stamped by the secretary of state submitted to the publisher** under section 35 of this chapter; and
- (2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

- (1) compile the records received from all of the agency's coordinators under subsection (j);
- (2) prepare a report that sets forth:
  - (A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;
  - (B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;
  - (C) the total number of staff serving as coordinators under

this section during the most recent state fiscal year;

(D) the agency's costs in complying with this section during the most recent state fiscal year; and

(E) the projected budget required by the agency to comply with this section during the current state fiscal year; and

(3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the Indiana economic development corporation established by IC 5-28-3."

Delete pages 9 through 10.

Page 11, delete lines 1 through 11.

(Reference is to ESB 379 as printed February 14, 2006.)

GARTON, Chair  
R. YOUNG, R.M.M.  
FORD

Report adopted.

#### COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1011 because it conflicts with House Enrolled Act 1156-2006 without properly recognizing the existence of HEA 1156-2006, has had EHB 1011 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1011 be corrected as follows:

Page 81, line 7, delete "P.L.2-2005," and insert "HEA 1156-2006, SECTION 13,".

Page 81, delete line 8.

Page 81, line 9, delete "CORRECTED AND".

Page 81, line 17, delete "1996 2008" and insert "2008".

Page 81, line 20, delete "2000 2006" and insert "2006".

Page 81, line 21, delete "nine (9)" and insert "ten (10)".

Page 81, line 28, delete "IC 3-11-2. IC 3-11." and insert "IC 3-11.".

Page 81, line 29, delete "1996 2008" and insert "2008".

Page 81, line 31, delete "fifteen (15)" and insert "sixteen (16)".

Page 81, line 32, delete "2000 2006" and insert "2006".

Page 81, line 33, delete "seventeen".

Page 81, line 34, delete "(17)" and insert "twenty (20)".

(Reference is to EHB 1011 as reprinted February 24, 2006.)

GARTON, Chair  
R. YOUNG, R.M.M.  
LAWSON

Report adopted.

#### COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1128 because it conflicts with Senate Enrolled Act 145-2006 without properly recognizing the existence of SEA 145-2006, has had EHB 1128 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1128 be corrected as follows:

Page 1, line 1, before "IS" insert ", AS AMENDED BY SEA 145-2006, SECTION 5,".

Page 2, line 17, reset in roman "If the court grants probationary driving".

Page 2, reset in roman lines 18 through 21.

Page 2, line 22, reset in roman "under IC 9-30-8."

Page 3, line 37, before "IS" insert ", AS AMENDED BY SEA 145-2006, SECTION 10,".

Page 3, line 38, reset in roman "(a)".

Page 3, line 41, reset in roman "except as provided in subsection (b),".

Page 4, reset in roman lines 4 through 6.

(Reference is to EHB 1128 as reprinted March 1, 2006.)

GARTON, Chair  
R. YOUNG, R.M.M.  
WYSS

Report adopted.

#### COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1347 because it conflicts with House Enrolled Act 1093-2006 without properly recognizing the existence of HEA 1093-2006, has had EHB 1347 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1347 be corrected as follows:

Page 4, line 38, delete "ADDED BY P.L.1-2005, SECTION".

Page 4, line 39, delete "4," and insert "AMENDED BY HEA 1093-2006, SECTION 1,".

Page 5, line 37, after "including" insert":

(A)".

Page 5, line 39, delete "." and insert "; and

(B) the number of incidents reported under IC 20-33-9."

(Reference is to EHB 1347 as printed February 17, 2006.)

GARTON, Chair  
R. YOUNG, R.M.M.  
LUBBERS

Report adopted.

#### SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 13, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 3:06 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate